

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No. 10496 of 2021**

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Kapil Deo Gupta, Son of Ramtwakya Sah, resident of Gram-Post-Deo,  
Thana-Sikrahata, Ward No. 4, Deo, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate Officer, Bhojpur.
3. The Sub Divisional Officer, Piro, Bhojpur.
4. The Block Supply Officer Tarari, Bhojpur.

... .. Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh, AC to Standing Counsel-4

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

ORAL ORDER

2      16-09-2021                      The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking quashing of the order dated 26<sup>th</sup> March, 2021 passed by the Sub Divisional Officer, Piro, Bhojpur, whereby and whereunder the PDS license of the petitioner bearing License No. 94 of 2018, has been cancelled.

The short point raised by the Ld counsel for the petitioner Shri Mishra is that the Sub Divisional Officer, Piro, Bhojpur, who is also the licensing authority, has not applied his mind and has passed the impugned Order, cancelling the PDS license of the petitioner,



merely on the recommendation of the Block Supply Officer, Tarari, Bhojpur and the said opinion of the Block Supply Officer, Tarari, Bhojpur has not been furnished to the petitioner, thus the impugned order dated 26.03.2021 stands vitiated in the eyes of law, having been passed in violation of the principles of natural justice.

The learned counsel for the respondent-State Shri Upendra Pratap Singh, AC to SC-4 has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that admittedly the impugned order dated 26.03.2021, passed by the Sub-Divisional Officer, Piro, Bhojpur, smacks of non-application of independent mind in as much as the same is based on the opinion of the Block Supply Officer, Tarari, Bhojpur, regarding cancellation of the license of the petitioner, hence, the impugned order dated 26.03.2021 is bad in law, thus is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Piro, Bhojpur, to proceed afresh in accordance with law.

The writ petition stands allowed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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